

Subchapter 3007.1 Acquisition Plans**3007.101 Reserved.****3007.102 Policy.**

(a) In addition to promoting full and open competition to the maximum extent practicable, as well as promoting the acquisition of commercial items, acquisitions shall be planned such that the appropriate contract types are selected and such that all technical, business, management, and other significant considerations are addressed as prescribed by FAR Part 7 and as supplemented herein.

(b) Reserved.

(c) All inter and intra-agency acquisitions (IA)) shall be planned. See HSAM 3017 for a discussion of direct and assisted IAs. Acquisition planning requirements for IAs are as follows:

(1) For an assisted acquisition:

(i) The requesting agency (DHS or other agency) may delegate preparation of an AP to the servicing agency (DHS or other agency), but the requesting agency shall provide support and assistance as needed. Either the requesting or the servicing agency may prepare and approve the AP in accordance with the applicable interagency agreement (IAA). If the IAA states that DHS shall prepare the AP, the AP shall be completed in accordance with this Chapter. See HSAM 3017.502-171(c) for the policy if an agency other than DHS prepares the AP.

(ii) Acquisition plans are not required for interagency assisted acquisitions with the Department of Energy (DOE) for work to be performed by a DOE laboratory or sites (see HSAM 3017.502-172).

(2) For a direct acquisition:

The requesting agency (DHS or other agency) prepares the AP.

(3) IA documentation requirements:

(i) For intra-agency assisted acquisitions, a copy of the AP shall be maintained in the servicing Component's contract file.

(ii) For interagency assisted acquisitions, the IAA shall state where the AP is maintained.

(d) When a written AP is required, a solicitation shall not be issued until the written AP has been approved. See exceptions in paragraph (f).

(e) APs for Department-wide vehicles may include planning for all task/delivery orders and calls to be placed against the vehicles, when feasible. Language in the Department-wide vehicle AP shall specifically state that the AP covers all task and/or delivery orders or calls within scope of the contract or agreement. When an AP for a Department-wide vehicle does not cover the task/delivery orders or calls, separate APs may be required for the task/delivery orders or calls.

(f) *Exceptions.* Written APs are required for acquisitions that meet the criteria and thresholds in the Written Acquisition Plan Matrix located at HSAM 3007.103(e). Written APs are not required for the following:

- (1) For firm-fixed price (FFP) acquisitions of supplies and/or services less than \$50M. This includes BPAs, BOAs and IDVs with only FFP task/delivery orders and calls;
- (2) Other than firm-fixed price (OTFFP) actions below the simplified acquisition threshold (SAT) (See FAR Class Deviation 20-02, Written Acquisition Planning Requirements).
- (3) Agreements between DHS and another federal agency that are not interagency acquisitions per FAR 17.500(c);
- (4) Transactions under which all work is performed by DHS personnel;
- (5) *Emergency acquisitions.* An acquisition is considered an emergency acquisition when the need for the supplies/services is of such unusual and compelling urgency that the Government would be seriously injured if the supplies/services were not immediately acquired;
- (6) Task/delivery orders where a written AP has been approved at the base contract level (e.g., indefinite delivery vehicle (IDV)) and the approved AP includes planning for all task or delivery orders issued after award;
- (7) Orders/calls under Basic Ordering Agreements (BOAs) or Blanket Purchase Agreements (BPAs) where a written AP has been approved prior to award of the initial BOA or BPA and the AP includes planning for the orders/calls issued after award;
- (8) Contracts awarded as a result of a Broad Agency Announcement (BAA) where a written AP has been approved prior to issuing the BAA and the AP addresses the total value of all awards to be made as a result of the BAA; the types of awards to be made, e.g., FFP, time and materials (T&M), cost reimbursement, etc.; and the AP specifically states that the AP covers all awards made as a result of the BAA;
- (9) Acquisitions conducted under the Small Business Innovative Research Program (SBIR) or Small Business Technology Transfer (STTR); and
- (10) Individual acquisitions in support of construction projects if the acquisitions are covered in the construction project plan.

3007.102-70 Procurement Strategy Roadmap.**3007.102-7000 Policy.**

(a) The Chief Procurement Officer (CPO) will review and approve the procurement strategy of certain procurement actions prior to the drafting of the APs. The threshold for these procurement actions are outlined in each HCA's Designation Letter. HCA Designation Letters are accessible at <http://dhsconnect.dhs.gov/org/comp/mgmt/ocpo/APL/Pages/DelegationsDesignations.aspx>.

3007.102-7001 General Procedures.

(a) *Procurement Strategy Discussion with the CPO.* The HCA, along with key stakeholders, which includes the requirements owner, contracting officer, legal counsel, Category Management and Strategic Sourcing, Office of the Small Disadvantaged Business Utilization, Program Accountability and Risk Management, Office of the Chief Information Officer and other experts, as needed, shall meet to present and discuss the proposed procurement strategy for procurement actions that meet the Procurement Strategy Roadmap (PSR) threshold outlined in each HCA's Designation Letter. To facilitate this discussion, contracting activities shall:

(1) Include the CPO as a participant in the contracting activity's existing planning/strategy session; or

(2) Schedule a procurement strategy meeting with the CPO.

(b) *Documentation Requirements.* The procurement strategy shall be documented in writing using the PSR template. The PSR template addresses the high-risk areas for the procurement, including but not limited to a description of the requirement, competition, strategic sourcing, small business, industry engagement, evaluation factors, contract type, safeguarding of sensitive information, and unique terms and conditions. With the exception of classified procurements, the PSR shall be submitted to OCPO for approval. If the CPO is attending the contracting activity's planning/strategy session, the PSR shall be submitted to OCPO at least five (5) business days prior to the session. If a PSR briefing with the CPO has been scheduled in advance of the PSR submission, the PSR shall be submitted to OCPO at least five (5) business days prior to the meeting.

(c) The PSR template is accessible at the following link:

<http://dhsconnect.dhs.gov/org/comp/mgmt/ocpo/APL/Pages/Guides&Tools.aspx>

(d) The CPO may determine after reviewing the PSR that a meeting is not necessary, and in that case will conduct a paper briefing of the PSR.

(e) *APs with an Approved PSR.*

(1) Through the PSR, the CPO will inform the HCA if the AP and/or solicitation/award documents are to be submitted to the CPO for review and approval. See HSAM 3004.7004.

3007.102-7002 Additional Considerations.

(a) Approval of the procurement strategy does not constitute final approval of any related D&F, J&A or Strategic Sourcing Waiver documents. Approvals are required for these documents in accordance with existing regulations and policy. The approved PSR document shall accompany the submission of any acquisition document (e.g., AP, D&F, and J&A) requiring OCPO review and approval. See also 3004.7004(a).

3007.103 Agency-head responsibilities.

(e) *Criteria and Thresholds.*

(1) Written APs for supplies and services shall be prepared in accordance with the following Written AP Matrix. In situations where a written AP is not required, acquisition planning is still required, per FAR 7.102.

Written Acquisition Plan Matrix

Contract Type	Written AP Required Yes/No	CPO Approval Threshold
FFP < \$50M (includes BPA, BOA or IDV with only FFP task/delivery orders and calls)	No	N/A
FFP ≥ \$50M (includes BPA, BOA or IDV with only FFP task/delivery orders and calls)	Yes	≥ \$100M
OTFFP < SAT (includes contracts, BPA, BOA or IDV with OTFFP orders and calls)	No	N/A
OTFFP ≥ SAT (includes contracts, BPA, BOA or IDV with OTFFP orders and calls)	Yes	≥ \$100M

(2) *FFP Actions.* A written AP shall be prepared for FFP actions greater than or equal to \$50M.

(3) *OTFFP Actions.* A written AP shall be prepared for OTFFP actions above the SAT. (See FAR Class Deviation 20-02, Written Acquisition Planning Requirements)

(4) *Hybrid Actions.* A written AP shall be prepared if (1) the contract is a hybrid with both FFP and OTFFP CLINS; and (2) the OTFFP portion is greater than or equal to the SAT.

(5) The editable version of Appendix Z, DHS Acquisition Plan template is accessible at the following link:

<http://dhsconnect.dhs.gov/org/comp/mgmt/ocpo/APL/Pages/Guides&Tools.aspx>

(j) Review and Approval of APs.

(1) *Review.* All APs shall be reviewed and signed by at least the acquisition planner/program manager, small business specialist, the contracting officer and the HCA or designee. For acquisitions that include or use information technology in any form, the Component CIO shall review and sign the AP before it is submitted to the contracting activity for review and approval. The HCA may require additional reviews.

(2) *Approval.*

(i) Unless instructed otherwise through the PSR, CPO approval of a written AP is required (1) for APs with a total procurement value greater than or equal to \$100M; or (2) for any other AP designated by the CPO.

(ii) All APs not requiring CPO approval shall be approved/signed by the HCA or designee.

(iii) APs requiring CPO approval shall be (1) submitted in accordance with the format provided in Appendix Z, DHS Acquisition Plan template, (2) properly coordinated with pertinent functional office/stakeholders prior to submission to the CPO, and (3) signed by the HCA prior to submitting for CPO approval.

(iv) For acquisitions that include or use information technology in any form, in addition to the CPO, the DHS CIO shall also review and sign the AP. When the AP is sent to OCPO for review, OCPO will coordinate with the HQ OCIO to obtain the DHS CIO review and signature.

(v) All APs that require CPO approval shall also comply with the following procedures:

(A) In those instances where the initial AP was approved below the CPO approval threshold, but a revised AP is subsequently prepared that meets the threshold, the revised plan shall be approved by the CPO. Revisions may be made using change pages or by complete revision of the AP.

(B) Other than through the PSR, the HCA may request a waiver from the requirement for CPO approval of an AP. Any such waiver request shall be submitted by the HCA to OCPO. Waiver requests shall contain sufficient detail to clearly demonstrate the basis for the request.

(C) Classified APs that require CPO approval shall be coordinated with the Executive Director, OCPO/Acquisition Policy and Oversight or the Director, OCPO/CAAS.

3007.103-70 Reserved.

3007.104 General procedures.

(a) In accordance with FAR 7.104(a), acquisition planning shall begin as soon as the agency need is identified. Planners shall pay close attention to the procurement administrative lead time (PALT) needed to award complex acquisitions using various methods of procurement and contract types, taking into consideration the need for vendor engagement, and the need to conduct the analysis required by HSAM 3007.503. Early formation of the acquisition planning team shall ensure that the appropriate subject matter experts described below and FAR 7.104 are involved in the development of the AP; that there is sufficient time to ensure that the contracting officer complies with all requirements of law, executive orders, regulations, and all other applicable procedures, including clearances; and that goods and services are procured in a timely manner and at a reasonable price to meet mission needs.

(b) Acquisition planners shall assess all requirements to ensure applicable projects and requirements are planned. HCAs should issue instructions establishing PALT and cut-off dates to assist planners and reduce end of year rushed procurements. When establishing PALT and cut-off dates, HCAs shall remain cognizant of federal holidays and their possible impact to the procurement process. Acquisition planners in conjunction with their contracting officer shall set realistic procurement-specific milestones that take into account federal holidays as non-business days for contracting staff and industry partners. Contractors shall be given a reasonable amount of time to prepare submissions assuming no work is performed on Federal holidays.

(c) Complex procurements that require a vendor engagement require significant lead-time. Planners shall include sufficient time in the schedule for each step in the procurement process in order to comply with law, regulation and DHS policy and ensure the end user receives the required good or services at a fair and reasonable price.

(d) At a minimum, the acquisition planning team shall include the acquisition planner/program manager, contracting officer and small business specialist. The team shall also include, as applicable, information security, personnel security, budget, environmental, privacy, legal, energy, safety, earned value management, logistics and end user personnel when the circumstances of the proposed acquisition requires the expertise of these individuals (Also see HSAM 3004.470(b)). The contracting officer, as the developer of the acquisition strategy plays a key role in the planning. Working together, the acquisition planner and the acquisition planning team prepare and execute the AP.

(1) *Acquisition planner/Program manager.* The acquisition planner, shall develop the AP making sure to:

- (i) Coordinate with an acquisition planning team comprised of personnel responsible for significant aspects of the AP. (See 3007.104(d))
- (ii) Document the IGCE. IGCEs shall be fully documented so that contracting officials can understand the basis of the estimate and can use the estimate in later steps of the acquisition process. A fully documented estimate also increases information sharing. A well-documented estimate shall be

supported by detailed documentation that describes how it was derived, capturing the source of the data used and the assumptions underlying the estimate.

- (iii) Document lessons learned from the acquisition history, which includes knowledge gained from previous contracts, or potential issues that should be addressed in the new contract because lessons learned from previous contracts improve acquisition planning for new requirements. Knowledge gained from prior acquisitions can be used to further refine requirements and acquisition strategies.
- (iv) Provide input into the AP as necessary; and
- (v) Route the AP through the approval process;

(2) *Contracting officer.* The contracting officer, as a member of the acquisition planning team, shall provide applicable input for the plan such as the type of contract, contract vehicle to be used, setting procurement milestones, and on set-aside considerations. The contracting officer shall also document the rationale for the selection of OTFFP contract type such as cost-reimbursement, labor hour, time & material, etc. In addition, the contracting officer shall:

- (i) For acquisitions that may involve bundling coordinate with the small business specialist, DHS Office of Small Business Utilization (OSDBU), and the Small Business Administration (SBA), as appropriate, in accordance with the review and approval requirements of FAR 7.107(c);
- (ii) For acquisitions in support of disaster or emergency relief activities, consult the Disaster Response Registry at <https://www.sam.gov/portal/public/SAM/>, when contracting for debris removal, distribution of supplies, reconstruction, and/or other disaster or emergency relief activities. The registry contains information on contractors who are willing to perform disaster or emergency relief activities within the United States and its outlying areas. (See FAR 7.103(y) and FAR 26.205).
- (iii) Verify that all IGCEs have supporting documentation that describes how the estimate was derived, capturing the source of the data used and the assumptions underlying the estimate. A copy of the supporting documentation shall be kept in the contract file.

(3) *Small business specialist.* The small business specialist, as a member of the acquisition planning team, shall review and sign the AP.

(e) *Contractor support.* While contractors may provide acquisition planning support, contractors are prohibited from making any acquisition planning decisions. Administrative services in support of acquisition planning are not generally considered to be inherently governmental functions (see FAR 7.503(d)). However, in order to avoid any potential personal

or organizational conflicts of interest (OCI), or the appearance thereof as related to the award and administration of future contracts resulting from any acquisition planning activity for which a contractor provides support, appropriate OCI provisions must be included in the contract under which the contractor's acquisition planning support services have been obtained, and nondisclosure agreements must be executed to cover acquisition planning-related information. If there is any question concerning a potential, actual or the appearance of an OCI, the Contracting Officer should contact the Office of General Counsel or Component legal office before allowing any contractor to assist in the acquisition planning process. (For further guidance regarding organizational and consultant conflicts of interest, see FAR 9.5; Homeland Security Acquisition Regulation (HSAR) Subpart 3009.5; and HSAM Subpart 3009.5.)

3007.105 Contents of written acquisition plans.

(c) Refer to the requirements of FAR Class Deviation 20-02, Written Acquisition Planning Requirements and Appendix Z, DHS Acquisition Plan template. (See 3007.103(d)) Template sections shall not be deleted. If a section does not apply, planners shall insert "N/A" and the basis for non-applicability. Planners shall ensure that due diligence is performed to support an "N/A" response. If there is additional information that needs to be added to the template based on the requirement, Components have the flexibility to tailor the template to add the additional information.

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(e) The written AP shall indicate if it is a new plan or a revision. Revisions to plans may be tracked using a table that shows the document version, date completed, and reason for revision.

(f) Each page of the written AP shall state the following: "SOURCE SELECTION INFORMATION - SEE FAR 2.101 and 3.104."

3007.106 Reserved.

3007.107 Additional requirements for acquisitions involving bundling.

(a) The acquisition planner shall conduct market research to determine whether bundling is necessary and justified. See FAR 10.001(a)(2)(iv), FAR 10.001(a)(3)(vi), FAR 10.001(c) and HSAM 3010.001(c) for additional requirements.

(b) Reserved.

(c) The DHS Deputy Secretary, without redelegation, shall determine that bundling is necessary and justified under the circumstances at FAR 7.107(c). When the contracting officer believes these circumstances apply to the acquisition, the HCA shall forward the following to the CPO:

- (1) A copy of the approved AP required by FAR 7.105 and FAR 7.107;

(2) A copy of the SBA representative's (e.g., Procurement Center Representative) concurrence with the bundling of requirements or the decision of the HCA (see HSAM 3019.505); and

(3) A copy of the contracting officer's calculations showing how the expected benefits below the monetary thresholds under FAR 7.107(b) were derived. The CPO shall review the information. If the CPO proposes to recommend disapproval to DHS Deputy Secretary, the reasons for disapproval shall be discussed and resolved at a managerial level within the Component. The CPO findings on any unresolved issues shall be forwarded by the CPO to the Deputy Secretary for a final decision.

3007.170 Reserved.

3007.171 Reserved.

3007.172 Acquisition Planning Forecast System.

(a) In the fiscal year preceding the award of a new procurement all potential procurements shall be entered into the APFS database in accordance with HSAM 3019.202-270. APFS records shall be created and approved for all acquisitions over the SAT except as identified in Appendix H, Acquisition Planning Forecast System and Small Business Review Form Requirements Matrix. The APFS database can be accessed at the following link: <http://apfs.dhs.gov>. APFS record requirements are provided in Appendix H, Acquisition Planning Forecast System and Small Business Review Form Requirements Matrix.

(b) An APFS record shall be entered into the APFS database on or before August 31st of each year for all potential procurements that could arise in the following fiscal year. Unplanned procurements during the fiscal year shall be entered into the APFS as soon as the requirement is known.

(c) The requirements office initiates the APFS record by entering program information regarding the potential procurement into the APFS database and electronically routing the APFS record to the contracting activity. Once all requirement office fields are complete, the contracting officer reviews the requirements office fields, enters data for the contracting activity and approves or rejects the APFS record. Once the APFS record is approved by the contracting officer it is routed to the APFS Coordinator for action.

(d) The APFS Coordinator selects the appropriate small business program, reviews all APFS records within the Component, ensures APFS record accuracy and approves or rejects APFS records. Once the APFS record is approved by the APFS Coordinator the APFS number on the record has an "F" placed in front of the number indicating it is final. The APFS record is then published in APFS for the procurement forecast. The Component APFS Coordinator shall work with the Component requirements offices and Component Acquisition Executive to ensure all of the Component's potential procurements are entered into the APFS database on time.

(e) The requirements office shall include a copy of the approved APFS record (marked with an "F") in the procurement request package. The contracting officer shall return procurement

requests that do not include a final APFS record. Contracting officers shall not release any solicitations without first receiving a final APFS record.

(f) In the event of an emergency acquisition, the APFS record may be prepared concurrent with the submission of the procurement request. The final APFS record shall be delivered to the contracting activity prior to the release of the solicitation.

(g) APFS is not authorized for the processing or storage of classified or sensitive information. Requirements offices and contracting officers should consult with the appropriate representatives from Legal Counsel, Privacy Office, Security Office, and Freedom of Information Act Office before inputting information into APFS if they have questions or concerns regarding the sensitivity of information.